

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD SHAPIRO, Individually and On Behalf
Of Himself and All Others Similarly Situated,

Plaintiff,

v.

VASO ACTIVE PHARMACEUTICALS, INC.,
JOHN J. MASIZ, AND JOSEPH FRATTAROLI
Defendants.

CIVIL ACTION NO.
04-10720 (NG)

KIM BENEDETTO and JOSEPH BENEDETTO,
Individually and On Behalf All Others Similarly
Situated,

Plaintiffs,

v.

VASO ACTIVE PHARMACEUTICALS, INC.,
JOHN J. MASIZ, AND JOSEPH FRATTAROLI,
Defendants.

CIVIL ACTION NO.
04-10808 (NG)

DEAN DUMMER, Individually and On Behalf
Of All Others Similarly Situated,

Plaintiff,

v.

VASO ACTIVE PHARMACEUTICALS, INC.,
JOHN J. MASIZ, JOSEPH FRATTAROLI and
STEPHEN G. CARTER,

Defendants.

CIVIL ACTION NO.
04-10819 (NG)

**JOINT MOTION AND [PROPOSED] ORDER
TO EXTEND TIME TO RESPOND TO THE COMPLAINT**

The parties hereto, by and through their counsel, hereby agree to extend the time within which defendants Vaso Active Pharmaceuticals, Inc, John J. Masiz, Joseph Frattaroli and Stephen G. Carter (collectively the “Defendants”) must answer, move or otherwise respond to the complaints in these actions. Plaintiffs’ counsel has represented that plaintiffs will file an amended complaint in these actions. Thus, the parties respectfully request that the following pleading and briefing schedule be ordered in these cases:

- The consolidated amended complaint shall be due thirty-five (35) days after the Court’s selection of a lead plaintiff pursuant to § 78u-4(a)(3) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78a et seq.), as amended by the Private Securities Litigation Reform Act of 1995 (the “Reform Act”).
- Defendants shall have thirty-five (35) days following the filing of the consolidated amended complaint to answer, move or otherwise respond to the complaint.
- If the Defendants move to dismiss the consolidated amended complaint, plaintiffs shall have thirty-five (35) days from their receipt of Defendants’ motion to file their opposition thereto.
- Following the receipt of plaintiffs’ opposition, Defendants shall have twenty (20) days to file a reply brief in support of their motion to dismiss.

Dated: June 7, 2004

RICHARD SHAPIRO,
Individually and On Behalf of Himself
and All Others Similarly Situated,

KIM BENEDETTO and JOSEPH
BENEDETTO,
Individually and On Behalf All Others Similarly
Situated,

DEAN DUMMER,
Individually and On Behalf of All
Others Similarly Situated

By their attorneys,

/s/ Theodore M. Hess-Mahan

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VASO ACTIVE PHARMACEUTICALS, INC.,
JOHN J. MASIZ, and JOSEPH FRATTAROLI,

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IT IS SO ORDERED:

United States District Judge

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on this 7th day of June, 2004 either electronically or by overnight mail on:

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